

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

PEDRO CABRERA-GUTIERREZ,
a/k/a Pedro Jimenez-Hernandez
Defendant.

NO. CR-08-2029-WFN-1
ORDER

Pending before the Court is Defendant's Petition for Writ of Error *Coram Nobis* (ECF No. 99). The Government filed a Response indicating it has no objection to Defendant's Petition. Defense counsel contacted the Court's staff and waived oral argument in light of the Government's non-objection.

The Court has reviewed the file and Petition and is fully informed. Accordingly,

IT IS ORDERED that:

1. Defendant's Petition for Writ of Error *Coram Nobis*, filed May 24, 2012, **ECF No. 99**, is **GRANTED**.

2. The Indictment, **ECF No. 1**, is **DISMISSED WITH PREJUDICE**.

3. Defendant's conviction and sentence are **VACATED**.

4. The hearing set for July 9, 2012, on Defendant's Petition is **STRICKEN**.

The District Court Executive is directed to file this Order and provide copies to counsel **AND TO** United States Probation Officer Stephen Krous.

DATED this 31st day of May, 2012.

05-31-12

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE